

CALDWELL COUNTY  
COMMISSIONERS COURT MINUTES  
1403 Blackjack Street, Lockhart, Texas  
Special Meeting December 9, 2013 9:00 a.m.



**TOM D. BONN** County Judge  
**CAROL HOLCOMB** County Clerk

**ALFREDO MUÑOZ** Commissioner Pct. 1  
**FRED F. BUCHHOLTZ** Commissioner Pct. 2  
**NETO MADRIGAL** Commissioner Pct. 3  
**JOE IVAN ROLAND** Commissioner Pct. 4

**Call Meeting to order.**

Judge Bonn asked all citizens protesting to maintain order while speaking. No clapping or chanting. All will have a chance to speak.

- 2013.12.09.01 Invocation.** Caldwell County Christian Ministries.  
A moment of silence was taken.
- 2013.12.09.02 Pledge of Allegiance to the Flags.** (Texas Pledge: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible).  
Judge Bonn led all present in the Pledge to both Flags.
- 2013.12.09.03 Announcements:** Items or comments from Court Members or Staff.  
Martin Ritchey gave an update on the past and present conditions in the County that were caused by the weather. He reported totals over \$394,000.00 and that reports of damages are still being reported. There will be more FEMA teams in the County this week to continue evaluation and tours. He reported details about the fire on this past Friday morning, explaining how the Volunteer Fire Departments had worked together. He cautioned citizens to be careful when using heating devices during the extreme cold temperatures.
- 2013.12.09.04 Citizens' Comments:** At this time any person may speak to Commissioners Court if they have filled out a Caldwell County Commissioners Court Participation Form. Comments will be limited to four (4) minutes per person. No action will be taken on these items and no discussion will be had between the speaker(s) and members of the Court. The Court does retain the right to correct factual inaccuracies made by the speakers. (If longer than 30 minutes, then the balance of comments will continue as the last agenda item of the day).  
**Citizens** that signed up to speak chose to speak in the Public Hearing.
- 2013.12.09.05 Commissioners Court Minutes.** Approval of November 18<sup>th</sup> and 19<sup>th</sup>, 2013 Minutes.  
Motion made by Commissioner Buchholtz, second by Commissioner Muñoz to approve minutes with change discussed. All Voting "Aye"
- 2013.12.09.06 Consent Agenda.** (Any member of the Court may request that an item within the Consent Agenda to be moved to the Regular Agenda for further discussion and action).  
**A.** Pay Bills in the amount of \$357,663.35 for November 25, 2013.  
**B.** Pay Bills in the amount of \$337,423.20 for December 9, 2013.  
**C.** To approve Caldwell County Clerk employee's renewal of Bond, Invoice #13652 for \$350.00.

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**Reagan Hicks, III**, District Attorney, Continuation Certificate Bond No. 14918872 for Caldwell County in the amount of Five Thousand for the term beginning January 1, 2014 and ending January 1, 2015. **Cost: \$50.**

**Lori Rangel Pompa**, County Treasurer, Continuation Certificate Bond No. 15530864 for Caldwell County in the amount of One Hundred Thousand for the term beginning January 1, 2014 and ending January 1, 2015. **Cost: \$500.**

**Dwight Jeffrey**, Road Administrator Continuation Certificate Bond No. 14938679 for Caldwell County in the amount of Three Thousand for the term beginning January 1, 2014 and ending January 1, 2015. **Cost: \$50.**

**Homer Horne**, Justice of the Peace, Precinct 2, Official Bond and Oath No.15530861 for Caldwell County in the amount of One Thousand for the term beginning January 1, 2014 and ending January 1, 2015. **Cost: \$50.**

**Shanna Conley**, Court Clerk, Justice of the Peace, Precinct 2 Continuation Certificate Bond No. 15530866 for Caldwell County in the amount of One Thousand for the term beginning January 8, 2014 and ending January 8, 2015. **Cost: \$50.**

**Richard Callihan**, Constable, Precinct 2, Official Bond and Oath No. 14268135 for Caldwell County in the amount of One Thousand Five Hundred for the term beginning January 1, 2014 and ending January 1, 2018. **Cost: \$50.**

**Neto Madrigal**, Commissioner, Precinct 3, Official Bond and Oath No. 15663556 for Caldwell County in the amount of Three Thousand for the term beginning January 1, 2014 and ending January 1, 2015. **Cost: \$50.**

**Margarito Zapata, Jr.**, Constable, Precinct 3, Official Bond Continuation Certificate Bond No. 15663557 for Caldwell County in the amount of One Thousand Five Hundred for the term beginning January 1, 2014 and ending January 1, 2015. **Cost: \$50.**

**Raymond Deleon**, Justice of the Peace, Precinct 4, Official Bond and Oath No. 15530862 for Raymond Deleon, Justice of the Peace, Precinct 4, for Caldwell County in the amount of One Thousand for the term beginning January 1, 2014 and ending January 1, 2015. **Cost: \$50.**

- D. Approval of the 2014 Caldwell County Resolution #31-2013, Indigent Defense Grant. Commissioner Roland would like Item "E" removed from Consent Agenda. Motion made by Commissioner Muñoz second by Commissioner Madrigal to approve Consent Agenda Items A, B, C, & D. All Voting "Aye".

**2013.12.09.07 Reports.**

**CAMPO/Capital Area Housing Finance Corporation Update**

John Cyrier introduced Jim Shaw to speak for the Capital Area Housing Finance Corporation. He answered questions from the Court members and was positive that Caldwell County would be included in their plans for building in the future. When Jim Shaw was finished John Cyrier updated all on the status of CAMPO events and funds that Caldwell County would have to help with repairs and growth of the County. He answered questions from the Court.

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**Septic and Subdivision**

Kasi Miles, Sanitation Officer presented the report for Septic and Subdivision for the month of November 2013.

**Federal Inmate Report**

**Sales Tax Report**

Larry Roberson, County Auditor presented both the Federal Inmate Report and Sales Tax Report for the month of November 2013.

**Tax Collection Report November 2013**

Larry Roberson said that he had not received the Tax Collection Report yet. It will be presented at the meeting in January.

**General Fund Operating Statement** to be given in January 2014.

**Treasurer's Report Monthly Report** to be given in January 2014.

**Luling Project (Roof)**

Curtis Weber and Commissioner Buchholtz explained the details concerning the roof and other updates on the Luling Annex.

**Tax Office Remodel**

Curtis Weber, Maintenance Supervisor, spoke about all of the repairs on the County Tax Office.

**Courthouse Update**

Curtis Weber reported that the painting on the windows was finished.

**Accident Report**

Dwight Jeffery Unit Road Supervisor, informed the Court that the County employee was not at fault. Larry Roberson County Auditor said that the other drivers insurance had been in contact. The County vehicle was a total loss.

Public Hearing began: 9:53 a.m.

**2013.12.09.15** **PUBLIC HEARING at 9:45 AM:** Proposed Ordinance Prohibiting Solid Waste Disposal in Caldwell County. Any interested citizen of the county may testify at the hearing.

**Alicia Thornton** explained that the negative impact that the landfill would bring has already happened. She read an e-mail from Alecia Crowell explaining the decision to move her home and business to Caldwell County. She had decided against when she heard the news of the landfill. She passed out some information on ground water quality to the court members.

**Patton King** said that his family has had roots in Caldwell County since 1800's. His property is on FM 179. There are 4 generations enjoying the land at this time They enjoy the property for the family gatherings as well and he is concerned with the flooding into his well and the tank on the property. His brother intends to retire there as well. He spoke about the noise pollution as well as traffic and air pollution that it will cause.

**Jimmy Bertram** said that this will impact generations to come and thanks the court for working on the ordinance.

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**Cynthia Rivera** is concerned with the preservation of the beauty of Lockhart and believes that the beauty and the quality of living will be greatly affected with the landfill at the entrance of Caldwell County.

**Jessica Neyman** speaks about the quality of life with the creation of the landfill. She said that the ordinance will be a stepping stone for economic impact for our County. She is concerned that with the growth of our County the cost of providing for new schools will be burdened upon the homeowners without new business and the landfill will discourage new business to the area.

**Leslie Holder** said that she moved to Caldwell County to retire. She is concerned with the property values and the safety of citizens in the area with the added traffic on the roads surrounding.

**Lou MacNaughton** reported that she had done extensive research and is concerned because there are three aquifers in the area proposed. The Carrizo – Wilcox , the Trinity and the Queen City . These provide water to Caldwell County. The waterways all lead to the San Marcos River. Not only the drinking water for citizens but the livestock and agriculture is at risk.

**Leslie Banks** thanks Commissioners for the work and the leadership in this issue. She is concerned about the many aspects that this landfill can hurt in our County. She feels that it will be a terrible directional marker to lead people into our County.

**Fermin Islas** feels that the proposed landfill will not only be detrimental to the growth of Caldwell County but to the growth of Lockhart as well. Without economic growth to our County, the tax burden will be on the homeowners. This site being on 183 South, it will be at the gateway to the County.

**Frank Sugrue** is in favor of the proposed ordinance and is fighting for the soul and health of our County.

**Sue Hemphill** spoke as an engineer and stated that it will only be a matter of time before the liner on the landfill leaks and she is concerned with the aquifer below. This provides water to the entire county and our drinking water will be contaminated. She supports the ordinance.

**James Abshier** chairman of EPICC spoke in support of the proposed ordinance.

**Eva Dechene** is in favor of the proposed ordinance. She stated that although her family has only been here about 10 years, She feels that it would be a negative impact on the health and the economic growth of our County.

**Belinda Rivera** has concerns about the contamination of water supplies. She would like to continue to live in the family home. Several family members have been lost to cancers. She is in support of the ordinance for the generations to come.

**Jodie Friedrich** has had family in Caldwell County for over 45 years. Study shows that the aquifer provides water throughout the County and this will not be positive economic growth. She also speaks about the fault line and is concerned with geological safety concerning the site on the proposed landfill site.

**Robin Schneider** with Texas Campaign for the Environment, stated that there is not a need for a landfill in Caldwell County. She told that at this time there are 40 out of 100 landfills in Texas that are leaking. Texas does not have a double liner law. She refers to the Court as the Guardians of the County and urges to support the proposed ordinance.

**Kara Savvas** shared concerns as a mother and stated that "trash is forever". She urges Commissioners to choose what is good for our County.

**Susan Stewart** stated that although she's probably lives the furthest from the site of the proposed landfill, she has concerns about the flow of the aquifer and the damage to the water for human, livestock and agriculture.

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**O. J. Wade** spoke about the positive effects of an incinerator.

**Jesse Bertram** spoke about the generations having owned their land and that no one buys property to live by a landfill. He asks the Commissioners to take it to heart and support the proposed ordinance.

**Frank Sanchez** said that his family has been here since the 1800's. He is concerned about the noise pollution as well as the water. The increased traffic will lead to safety problems for the County and the health hazards have to be considered.

Public Hearing ends: 10:42 a.m.

**2013.12.09.08 Special Presentations. None.**

**Consent Agenda Item E.**

To approve the following work order changes to Alpha Building Corporation contract on the Courthouse repairs:

Change Order #1 - Bondo Work on Roof Tower \$2,088.

Change Order #2 - Add 3 gates to existing roof railing \$2,400.

Change Order #3 - Masonry Cleaner \$2,100.

Change Order #5 - Bessler Stairs Repairs \$388.

Change Order #6 - Splash Shield for Floor Drain \$454.

Change Order #7 - Bessler Stair Replacement \$3,607.

Commissioner Roland had concerns about the process in which the bills were paid. Motion made by Commissioner Roland, second by Commissioner Madrigal to pay the bills for the work order changes, for the County to stay in good standings. All Voting "Aye"

**(ALL OTHER AGENDA ITEMS)**

**2013.12.09.09 Discussion/Action** to apply and designate an appointee to oversee the Transportation Infrastructure Fund Grant Program estimated for Caldwell County for a minimum of \$983,603.00 in connection with HB 1025 to help repair or improve county roads affected by energy-sector activities.

Motion made by Commissioner Madrigal, second by Commissioner Muñoz to designate Commissioner Buchholtz and Commissioner Roland to oversee the Transportation Infrastructure Fund Grant Program estimated for Caldwell County for a minimum of \$983,603.00 in connection with HB 1025 to help repair or improve county roads affected by energy-sector activities. All Voting "Aye"

**2013.12.09.10 Discussion/Action** to set date and time for a public hearing on the establishment of a Caldwell County Energy Transportation Reinvestment zone and appointment of an advisory board.  
Motion made by Commissioner Buchholtz, second by Commissioner Roland to set Public hearing concerning the establishment of a Caldwell County Energy Transportation Reinvestment zone and appointment of an advisory board for Friday, December 20, 2013 at 9:45 a.m. It will be at the Scott Annex. All Voting "Aye"

Comment in respect to Agenda item E.

Judge Bonn explained that he did not approve payment of the change orders through the bond, they were authorized through maintenance request but was the auditor's decision to change it and take advantage of the bond moneys available.

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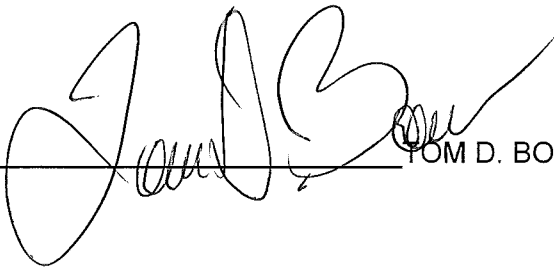
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- 2013.12.09.11** **Discussion/Action** Proclamation recognizing Pegasus for all the work this group does for the Caldwell community.  
Judge Bonn and the Commissioners recognized the many occasions that the young men from Pegasus have helped in the community. Commissioner Muñoz read the Proclamation. Motion by Commissioner Muñoz, second by Commissioner Madrigal to approve the Proclamation recognizing Pegasus for all the work this group has done for the community.  
All Voting "Aye"
- 2013.12.09.12** **Discussion/Action** to confirm contract employee's appointment of Mr. Les Reddin, Project Manager for the new Judicial and Service Center Project. Mr. Reddin will commence January 2014. His appointment was unanimously approved by the selection committee, Judge Bonn; Hye Brown, Caldwell County Appraisal Board of Directors; Oscar Fogle, GBRA Chair Board of Director; and Vance Rodgers, Lockhart City Manager.  
Commissioner Muñoz asked how the committee was selected and explained that he would have liked to be more informed and that one of the Commissioners should be on it. He did not have any objection to Mr. Reddin, only the process. Motion made by Commissioner Muñoz, second by Commissioner Roland to confirm contract employee's appointment of Mr. Les Reddin, as Project Manager for the new Judicial and Service Center Project.  
All Voting "Aye"
- 2013.12.09.13** **Discussion/Action** to approve the Limited Investigation for Asbestos-containing material at the new Judicial and Service Center former Wal-Mart Store and to approve the bill in the amount of \$1,175.00.  
Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to approve the bill in the amount of \$1,175.00. Judge Bonn reported that there were no findings. All Voting "Aye"
- 2013.12.09.14** **Discussion** on update on purchase of 1.15 acre south of the new Justice Center.  
Commissioner Buchholtz reported that they have accepted the offer from Caldwell County for the property but since it was in refinancing at this time, the closing would be postponed until January. More information will be available at Januarys Commissioner Court Meeting.
- 2013.12.09.15** **PUBLIC HEARING at 9:45 A.M.**
- Executive Session began: 11:25 a.m.
- 2013.12.09.16** **EXECUTIVE SESSION** pursuant to section 551.071 of the Texas Government Code for consultations with attorney regarding proposed landfill in Caldwell County and regarding proposed ordinance prohibiting solid waste disposal in Caldwell County. No action will be taken in executive session.
- Executive Session Ends: 11:44 a.m.
- 2013.12.09.17** **Discussion/Action** regarding proposed landfill in Caldwell County and regarding proposed ordinance prohibiting solid waste disposal in Caldwell County.  
Motion made by Commissioner Roland, second by Commissioner Madrigal to accept the proposed ordinance for solid waste with 1 change the definition of disposal to match the Health and Safety Code §361.003. Roll Vote- Commissioner Muñoz-Yes, Commissioner Buchholtz-Yes, Commissioner Madrigal-Yes, Commissioner Roland-Yes, Judge Bonn-Yes.  
Motion Passed  
Judge Bonn thanks the crowd for addressing the issues and being professional.  
Commissioner Roland recognizes and thanks the group for all the work that was done.

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- 2013.12.09.18**    **Discussion/Action** to adopt policy for approval, bidding, contracting, performance, and payment for capital projects costing \$10,000 or more.  
Motion made by Commissioner Muñoz, second by Commissioner Madrigal to adopt policy for approval, bidding, contracting, performance, and payment for capital projects costing \$10,000 or more. All Voting "Aye"
- 2013.12.09.19**    **Discussion/Action** to approve foam insulating the balance of the Luling Annex building.  
**Cost:** \$7,764.00  
Motion made Commissioner Buchholtz, second by Commissioner Muñoz to approve foam insulating the balance of the Luling Annex building. It will be done on the weekend as to not inconvenience employees or citizens. All Voting "Aye"
- 2013.12.09.20**    **Discussion/Action** to adopt new job descriptions for the County Maintenance Department/ Unit Road Department, and Fleet Maintenance Department.  
Motion made by Commissioner Madrigal, second by Commissioner Muñoz to table this item until next meeting. All Voting "Aye"
- 2013.12.09.21**    **Adjournment**  
Motion made by Commissioner Muñoz, second by Commissioner Buchholtz to Adjourn. All Voting "Aye"



TOM D. BONN, County Judge